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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/825,768 | 04/16/2004 | Kevin R. Chaffee | 11914-0013 | 8799 |

7590 06/15/2005

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EXAMINER

SINGH, SUNIL

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3673

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **BT**

10/825,768

Applicant(s)

CHAFFEE, KEVIN R.

Examiner

Sunil Singh

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) 24-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-23, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Newly submitted claims 24-28 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Specie I is directed to Fig. 3a, while Specie II is directed to Figs. 3b-d and since applicant elected Specie II claims 24-28 are withdrawn from examination.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24-28 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 "the medium" lacks clear antecedent basis.

Claim 22, "closing" appears incorrect.

Art Unit: 3673

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-23, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document (61-101297) or Potts (US 6485647) in view of either Tracy or Young (US 4824287, 2817956) and Ashley (US 848279)

Japanese document and Potts both disclose a subsurface wastewater infiltration system comprising a dripline (14,32) installed in a trench below a surface of the soil, the dripline being coupled to a wastewater supply and including a plurality of openings to permit wastewater to pass therethrough; a structure (see Fig. 3, 1&3) located in the trench and configured to define an open area enclosing the dripline. Japanese document '297 and Potts both disclose the invention substantially as claimed.

However, they both lack first and second barriers located at opposite ends of the structure to allow the dripline to pass therethrough, but to prevent soil intrusion into the structure; at least one access opening in communication with the structure, the at least one access openings including a pipe extending to the surface of the soil; and a removable cover coupled to the access opening. Tracy and Young both teach first and second barriers ((67), See Fig. 3 and (15), see Fig. 2) located at opposite ends of the structure to allow the dripline to pass therethrough, but to prevent soil intrusion into the structure. Ashley teaches at least one access opening (25) in communication with a

Art Unit: 3673

structure, the at least one access openings including a pipe extending to the surface of the soil; and a removable cover coupled to the access opening. It would have been considered obvious to one of ordinary skill in the art to modify either Japanese document or Potts to include the end barriers and access opening pipe as taught by either Tracy or Young and Ashley in order to prevent soil intrusion into the structure and provide aeration to the structure.

5. Claims 11-23, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashley '279 in view of either Tracy or Young (US 4824287, 2817956).

Ashley discloses a subsurface wastewater infiltration system comprising a dripline (21) installed in a trench below a surface of the soil, the dripline being coupled to a wastewater supply and including a plurality of openings to permit wastewater to pass therethrough, at least one access opening (25), the at least one access opening including a pipe extending to the surface of the soil; and a removable cover coupled to the access opening. Ashley discloses the invention substantially as claimed. However, Ashley lacks a structure located in the trench and configured to define an open area enclosing the dripline, first and second barriers located at opposite ends of the structure to allow the dripline to pass therethrough, but to prevent soil intrusion into the structure. Tracy and Young both teach a structure located in the trench and configured to define an open area enclosing a dripline, first and second barriers ((67), See Fig. 3 and (15), see Fig. 2) located at opposite ends of the structure to allow the dripline to pass therethrough, but to prevent soil intrusion into the structure. It would have been

Art Unit: 3673

considered obvious to one of ordinary skill in the art to modify Ashley to include a structure with end barriers as taught by either Tracy or Young in order to prevent soil intrusion into the structure.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh
Primary Examiner
Art Unit 3673



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6/9/05